

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed February 13, 2009. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-26, 28 and 29 have been withdrawn from consideration. Claims 34, 35 and 37 have been amended. No new matter has been added. Accordingly, Claims 1-26, 28, 29 and 34-40 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Objections

On page 2 of the Detailed Action, the Examiner objected to Claim 37 for containing an informality. Specifically, the Examiner stated that in Claim 37, at line 2, the word “is” should be inserted before the word “used.”

Applicants thank the Examiner for noting this informality. In response, Applicants have amended Claim 37 in accordance with the recommendation of the Examiner by adding the word “is” before the word “used.” Accordingly, Applicants respectfully request withdrawal of the objection of Claim 37.

Claim Rejections – 35 U.S.C. § 102

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 34-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,991,841 to Cowelchuk et al. (“Cowelchuk et al.”). On page 3 of the Detailed Action, the Examiner rejected Claims 34-36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,501,541 to Bethell et al. (“Bethell et al.”). Also on page 3 of the Detailed Action, the Examiner rejected Claims 34 and 37-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,895,613 to Nakai et al.

(“Nakai et al.”). These rejections should be withdrawn because neither Cowelchuk et al., Bethell et al. nor Nakai et al. disclose, teach or suggest the claimed invention.

For example, independent Claim 34 (as amended) recites a “trim component for a vehicle” comprising, among other elements, a “substrate having a channel defined by a first wall and a second wall; [and] a skin having a protrusion and coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel.”

Neither Cowelchuk et al., Bethell et al. nor Nakai et al. disclose, teach or suggest such a trim component for a vehicle. In contrast, Cowelchuk et al. and Nakai et al. each disclose a component that relies entirely on the foam and/or the molding process to secure the skin to the substrate, rather than the engagement of a protrusion with a first wall and a second wall of a channel defined by the substrate. Bethell et al. appears to disclose a molded component that lacks a substrate.

Specifically, Cowelchuk et al. discloses a “cover layer 16” having a “perimeter portion 32” that gets forced against a “substrate perimeter portion 44” of a “substrate 12” due to a filling of the mold cavity with a “foaming material 36” (col. 4, lines 30-49; Figs. 5 and 6). The “perimeter portion 32” of the “cover layer 16” is configured to simply abut against only the surface of the “substrate perimeter portion 44” when the “foaming material 36” is added. Further, Cowelchuk et al. discloses that it is not the insertion of the “perimeter portion 32” into an area defined by the “substrate perimeter portion 44,” a “first connector portion 46” and a “substrate main body portion 42” that provides a coupling between the “cover layer 16” and the “substrate 12,” but rather, it is the force that is exerted by the “foaming material 36” onto the “perimeter portion 32” and the subsequent curing process, that causes the coupling between the “cover layer 16” and the “substrate 12” (col. 4, lines 50-64). As such, Cowelchuk et al. does not disclose, teach or suggest a substrate having a channel defined by a first wall and a second wall that is configured to receive a protrusion of a skin that is configured to be coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel, as required by independent Claim 34 (as amended).

With regard to Bethell et al., the Examiner directed Applicants attention to Figures 2 and 3 for allegedly disclosing the subject matter recited in independent Claim 34. However, after reviewing Figures 2 and 3, it is unclear to Applicants what portions of the component the Examiner was referring to when making the rejection. Bethell et al. discloses a “seat cushion 10” having a “cover 18,” a “snap-ring member 16” and a “foam body 12” (see, e.g., Fig. 1). A top portion of the “cover 18” is shown as being bent down in an almost inverted U-shaped cross section. The “snap-ring member 16” is shown as being positioned adjacent one side of this inverted U-shaped cross section. Bethell et al. discloses that the foam adheres to the “snap-ring member 16” to hold the “snap-ring member 16” in position (col. 5, lines 35-39). Bethell et al. appears to be completely missing a structure that is analogous to the claimed substrate. Figures 2 and 3 show alternate embodiments of a mold tool assembly used to form the “seat cushion 10.” It is unclear to Applicants whether the Examiner intended to rely on portions of the mold tool assembly for allegedly disclosing a substrate. For example, if the Examiner was intending to rely on “insert assembly 42” for allegedly disclosing a substrate, Applicants submit that “insert assembly 42” is not part of the “seat cushion 10,” but rather, is part of the mold tool assembly that gets removed after the “seat cushion 10” is formed (col. 5, lines 64-68). In any case, Bethell et al. does not disclose, teach or suggest a substrate having a channel defined by a first wall and a second wall that is configured to receive a protrusion of a skin that is configured to be coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel, as required by independent Claim 34 (as amended).

Turning now to Nakai et al., Nakai et al. discloses a molded plastic product having a “pad housing 13,” a “skin 21” and a “foam P” (see, e.g., Fig. 1). The “skin 21” has a “side face 22” that is bent over and provided with an “elastic seal 25” that, along with the “side face 22,” is allowed to abut against only a “sidewall 12” of the “pad housing 13” during the molding process (col. 3, lines 19-30). Nakai et al. discloses that the “side face 22,” with the “elastic seal 25,” becomes coupled to the “sidewall 12” due to the foaming pressure generated during the molding process (col. 4, lines 18-28). Nakai et al. does not disclose, teach or suggest a substrate having a channel defined by a first wall and a second wall that is configured to receive a protrusion of a

skin that is configured to be coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel, as required by independent Claim 34 (as amended).

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 34 because at least one element of such claim is not disclosed, taught or suggested by Cowelchuk et al., Bethell et al. or Nakai et al. Claims 35-40, as they depend from independent Claim 34, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 34-40 is respectfully requested.

Finally, Applicants note that Cowelchuk et al. is not available as a prior art reference under 35 U.S.C. § 102(b) against the present Application. The present Application properly claims priority to a provisional patent application filed on October 16, 2003. The earliest publication date for Cowelchuk et al. is November 11, 2004. At best, Cowelchuk et al. may be available as a prior art reference under 35 U.S.C. § 102(e). However, Applicants reserve the right to submit evidence to remove Cowelchuk et al. from consideration if necessary in future proceedings.

Claim Rejections – 35 U.S.C. § 103

On page 4 of the Detailed Action, the Examiner rejected Claims 34 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2000006283 (“JP ‘283”). This rejection should be withdrawn because JP ‘283 does not disclose, teach or suggest the claimed invention.

For example, as set forth above, independent Claim 34 (as amended) recites a “trim component for a vehicle” comprising, among other elements, a “substrate having a channel defined by a first wall and a second wall; [and] a skin having a protrusion and coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel.”

JP '283 does not disclose, teach or suggest such a trim component for a vehicle. In contrast, JP '283 appears to disclose a molded component having a foam with a skin that relies entirely on the foam and/or the molding process to secure the skin to a substrate of the component. Specifically, JP '283 discloses a molded component having a substrate 3, a skin 5 and a foam 7 (see, e.g., Abstract; Figs. 2 and 3). The edge part of the skin 5 is allowed to simply abut against the surface of a core 11 (see, e.g., Abstract; Figs. 2 and 3). JP '283 does not disclose, teach or suggest a substrate having a channel defined by a first wall and a second wall that is configured to receive a protrusion of a skin that is configured to be coupled to the substrate by engagement of the protrusion with the first wall and the second wall of the channel, as required by independent Claim 34 (as amended).

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 34 because at least one element of such claim is not disclosed, taught or suggested by JP '283. Claim 36, as it depends from independent Claim 34, is allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of this rejection of Claims 34 and 36 is respectfully requested.

* * *

Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent

application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 6/15/2009

By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601